

REMARKS

Claims 1-14 are pending in the application. No amendments have been made. Favorable reconsideration of this application is requested.

At the outset, applicant and the undersigned thank the Examiner and his SPE for their courtesies extended in the recent personal interview in this case on November 16. The undersigned realizes that handling the interview was difficult for the SPE due to the illness of her daughter. The undersigned sincerely thanks the SPE for her valuable time and effort.

As agreed in the interview, the applicant's positions stated in the interview along with the following information confirm the allowability of this application. If the Examiner and the SPE do not agree, then the undersigned respectfully requests a phone call to discuss this case with the Examiner and the SPE because of the extensive and expensive prosecution of this application.

As mentioned in the interview, applicant once again relies on the detailed patentability positions set forth on pages 7-9 of the Amendment filed on July 6, 2010.

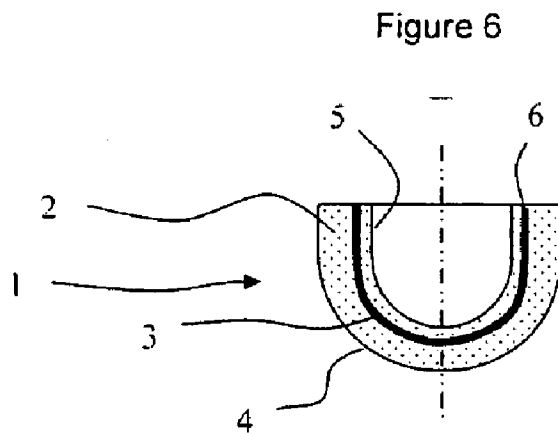
In summary, and as discussed in the interview, this application is in allowable condition for at least the following reasons.

All claims either depend from or include the subject matter of claim 1. Thus, we can focus on claim 1. In this regard, there are no formalistic rejections of any claims.

There is only one rejection of claim 1. More specifically, claim 1 is rejected as allegedly being obvious over Kawaguchi (USP 5403529) in view of Akiyama (2002/0182351). As stated in the interview and as explained on pages 7-9 of the Amendment of July 6, 2010, there is no prima facie case of obviousness.

The claim 1 invention is depicted in applicant's Figure 6, which is reproduced below. Figure 6 shows the claimed multilayer dose in the melt state having a **CONCAVE** surface 5. See also page 8, line 6 of applicant's specification that reads: "**concave surface 5.**"

Figure 6 of US Application No. 10591126:



The primary reference, Kawaguchi, discloses a dose, but nowhere discloses a dose with a CONCAVE surface. Instead, Kawaguchi only discloses doses with **CONVEX or FLAT** surfaces. See Kawaguchi Figures 7E and 8A-8D, which are reproduced below. These Figures are shown on pages 7-8 of our Amendment filed on July 6, 2010. See reference numbers 122 and 124 on these figures that point to the Kawaguchi dose -- that only has **CONVEX or FLAT** surfaces. Reference number 122 in Figures 7E and 8A point to the convex surface of the dose. Reference number 124 in Figure 8B points to the flat surface of the dose. Reference number 124 in Figures 8C and 8D point to a convex surface of the dose.

Figures 7E and 8A to 8D of US Patent No. 5403529 (Kawaguchi):

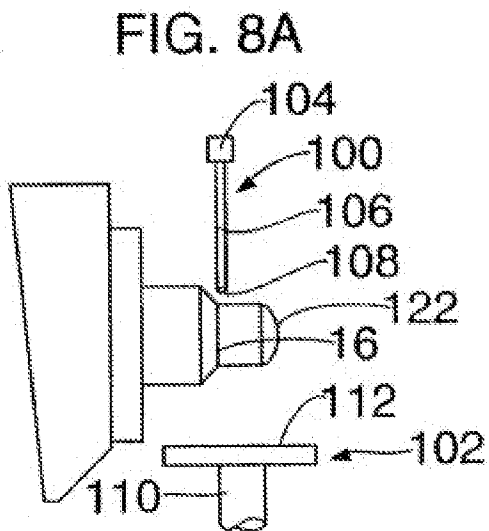
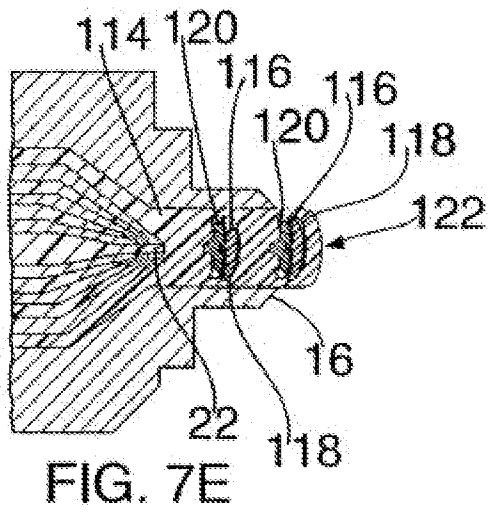


FIG. 8B

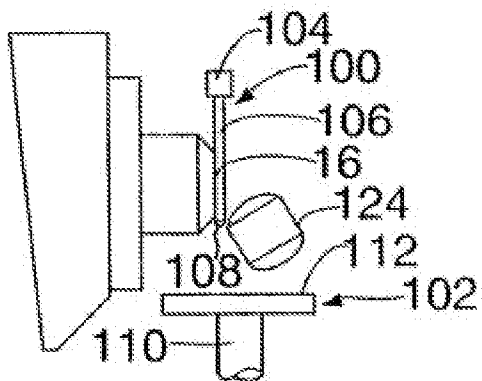
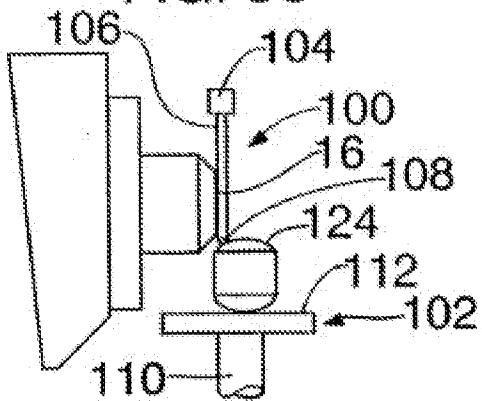
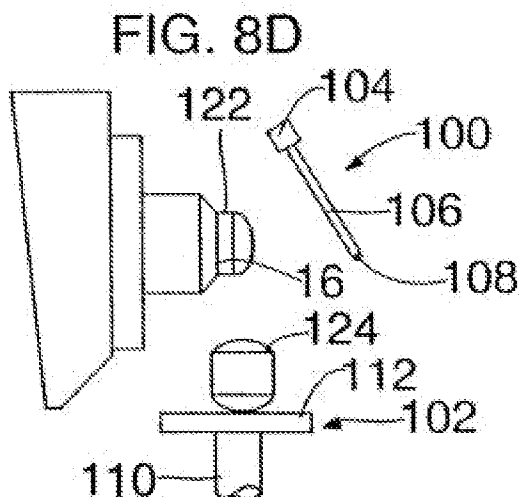


FIG. 8C





There is no motivation or suggestion in Kawaguchi to make a dose having a CONCAVE surface. All of Kawaguchi's dose surfaces are CONVEX or FLAT.

Moreover, as discussed in the interview, the Kawaguchi resin blob 120 (shown below in Kawaguchi's Figure 9) is specifically designed to push the functional resin blob 116 so that the surface of the material 124 in the axis direction **MUST BE CONVEX** (i.e., the right convex surface in Figure 9 below traverses the axis of symmetry of the dose). Thus, the key objective of Kawaguchi to utilize a resin blob 120 to push a resin blob 116 always results in a CONVEX surface as shown in all of the Kawaguchi dose figures. **This is the antithesis of -- and teaches away from -- the claimed invention that requires a CONCAVE surface.** Thus, Kawaguchi could not be combined in any fashion with any other reference to arrive at the claimed concave invention. To do so would go completely against the express teachings of Kawaguchi.

Figure 9 of US Patent No. 5403529 (Kawaguchi):

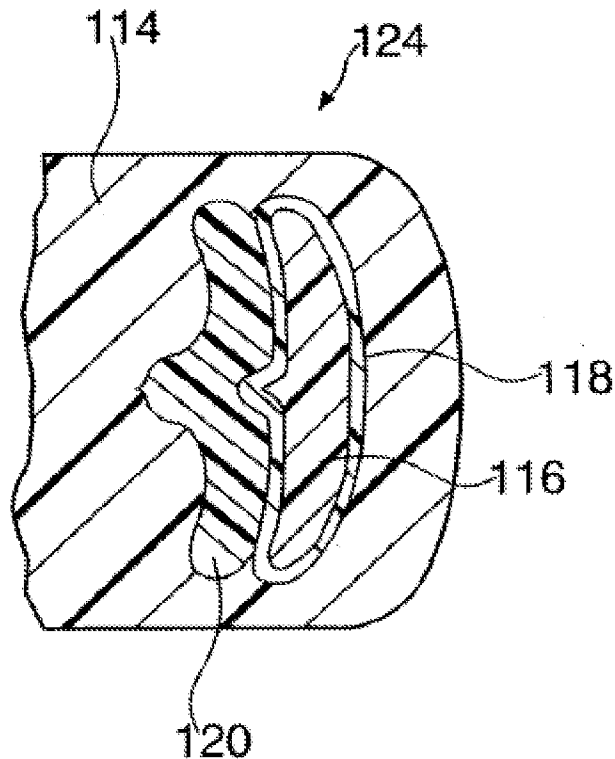


FIG. 9

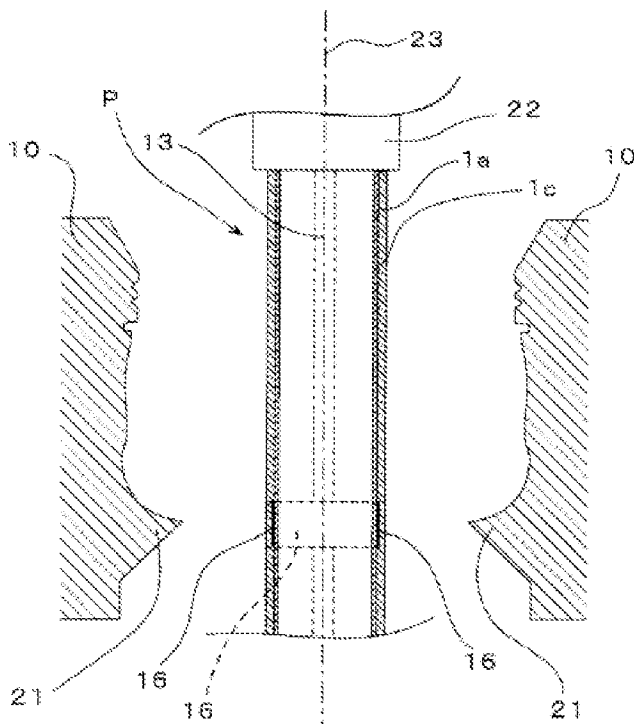
Furthermore, even utilizing the cited secondary Akiyama reference (which only relates to a parison and not a dose), applicant notes that Akiyama only shows completely FLAT surfaces that in combination with Kawaguchi's CONVEX and FLAT surfaces do not yield the claimed invention that requires a CONCAVE surface. Stated another way, Akiyama does not overcome the deficiencies of Kawaguchi, and no one skilled in the dose art or the parison art would or could combine the teachings of Kawaguchi and Akiyama in order to arrive at the claimed concave dose invention.

In fact, Akiyama does not disclose multilayer doses for compression molding. Instead, Akiyama discloses PARISONS that are subjected to both pinch molds and BLOW molding.

Moreover, Akiyama's parisons simply have **FLAT** surfaces. See Figure 11 of Akiyama, which is reproduced below, and is shown on page 9 of the Amendment of July 6, 2010. Akiyama's parison "P" surfaces are completely **FLAT** and are actually parallel to the axis of symmetry. There are no CONCAVE surfaces prior to the use of pinch molds 10 and blow molding. As a result, even if Kawaguchi and Akiyama were combined in some peculiar fashion, the combination would **never result in a multilayer dose with a CONCAVE surface prior to any compression molding.**

Figure 11 of US Published Pat. App. No. 2002/0182351 (Akiyama):

Fig. 11



For at least the foregoing reasons, claim 1 is patentable. Similarly, all other claims are patentable because they include the subject matter of claim 1.

Applicant submits that this case is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions, the undersigned can be contacted at 703-816-4009.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Duane M. Byers/

Duane M. Byers
Reg. No. 33,363

DMB:lfo
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100